

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

LOCAL UNION NO. 124 I.B.E.W. PENSION )  
TRUST FUND, et al., )  
Plaintiffs, )  
v. )  
UNIVERSAL TECHNOLOGIES, LLC. )  
Defendant. )  
No. 4-18-CV-00219-DGK

## **STATUS REPORT**

COME NOW Plaintiffs and provide the following status report as requested by the Court in its *Order Finding Defendant Liable to Plaintiffs on All Counts and Ordering Defendant to Permit an Accounting for Damages* (ECF No. 12):

1. Plaintiffs filed a Complaint against Defendant Universal Technologies ("Defendant") on March 21, 2018 to secure an audit to determine if employee benefit plan contributions were due from defendant and to recover employee benefit plan contributions found to be due.

2. Plaintiffs served Defendant on June 15, 2018 by special process server through the Missouri Secretary of State, but Defendant never filed an answer and no attorney ever appeared on Defendant's behalf.

3. Plaintiffs filed a Motion for Default Judgment on August 3, 2018 (ECF Nos. 6-8) and served a copy of same on Defendant via certified mail, but Defendant did not respond to the motion or the Court's August 22, 2018 *Show Cause Order* (ECF No. 10). Consequently, the Court entered judgment against Defendant on September 26, 2018 (ECF No. 12).

4. The Court's September 26 *Order* found in favor of all Plaintiffs on all counts and awarded Plaintiffs \$41,410.00 on Count IX, but ordered Defendant to, among other things, permit an accounting by Plaintiffs of its business books, records, ledgers and other relevant documents so that damages on the other Counts could be determined. The *Order* also required Plaintiffs to file this Status Report by December 11, 2018, providing the Court with details of their accounting efforts and a timeframe for supplemental damages briefing.

5. Pursuant to the above, Plaintiff advises the Court that:

- a. Plaintiff has attempted, without success, to reach Defendant and its agents or principals to obtain its business books and records.
- b. Neither Defendant nor its agents or principals have contacted Plaintiffs, Plaintiff's Counsel, or the third-party auditor which would review any produced documents.
- c. On information and belief, Plaintiff does not expect any meaningful response from Defendant as it appears to be out of business. However, Plaintiff is still attempting to contact Defendant's principal ownership to negotiate a response and payment.

6. Based on the foregoing, Plaintiffs respectfully request that the Court provide Plaintiffs with an additional 90 days to make contact with Defendant and obtain their books and records pursuant to this Court's September 26 *Order*.

WHEREFORE, Plaintiffs respectfully request that the court give Plaintiffs an additional 90 days to obtain the needed books and records from Defendant.

Respectfully submitted:

ARNOLD, NEWBOLD, WINTER & JACKSON, P.C.

*/s/John J. Westerhaus*

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John J. Westerhaus, No. 65266  
1100 Main Street, Suite 2001  
Kansas City, Missouri 64105  
Telephone: (816) 421-5788  
Facsimile: (816) 471-5574  
*Attorneys for Plaintiffs*